IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINETEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 12145 of 2004

Between:

N. Suresh S/o N. Mruthyumjaya Rao
Syndicate Bank, Bichkunda, Nizamabad District

..... PETITIONER

AND

1 The Government of A.P., rep by Principal Secrtary, Social Welfare Department Secretariat, Hyderabad
2 The District Collector & Magistrate, East Godavari District, Kakinada
3 The Syndicate Bank rep by Deputy Manager, Personal Department, Personnel Administration Division (Officers) Head Office, Manipal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other Writ order or direction more particularly one in the nature of mandamus holding that the proceedings of the respondent NO.1 dt.26-5-1999 G.O.Ms.No.40, dt.4-05-2004 and proceedings of the respondent No.3 in reference No. HO: PD:PAD(O): 0087: 1671: 390457, dt.3-7-2004 which are consequential as illegal and unconstitutional.

Counsel for the Petitioner: MR.V.RAJA MANOHAR

Counsel for the Respondent Nos.1&2: GP FOR SOCIAL WELFARE

Counsel for the Respondent No.3: Mr.A.KRISHNAM RAJU

The Court at the admission stage made the following :

THE HONOURABLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.11879 OF 2004

ORAL ORDER:

The petitioner worked as an Assistant Manager in Syndicate Bank, Bichkunda. He entered the service by claiming that he belongs to “Muchi” Caste, which is included in the list of Schedule Castes.

2. The Collector passed an order dated 26-05-1999 as an appellate authority under the Andhra Pradesh (S.C., S.T., B.Cs.) Regulation of Issue of Community Certificates Act, 1993 and Rules, 1997 holding that the petitioner has to be treated as Arya Kshatriya B.C.(B) Community.

3. The petitioner challenged the order of the Collector before the first respondent, and the first respondent passed an order through G.O.Ms.No.40 dated 04-05-2004 confirming the order of the Collector dated 26-05-1999.

4. The petitioner being aggrieved by the order of the first respondent filed a review petition before the first respondent and it is pending consideration. During the pendency of the review petition, the petitioner was dismissed for service by the third respondent through proceedings dated 03-07-2004. During the pendency of the said review petition, the petitioner came forward with this writ petition praying to hold that the proceedings of the first respondent dated 26-5-1999 and the proceedings of the third respondent dated 03-07-2004 which are consequential as illegal, unconstitutional, and to pass appropriate orders.

5. The learned counsel for the third respondent submitted that since the Government passed appropriate orders confirming the order of the Collector and as there was no stay during the pendency of the review petition, they passed the order dated 03-07-2004 dismissing the petitioner from service.

6. The learned counsel for the petitioner submitted that though the review

petition is pending with the first respondent, he has to rush to this Court on account of the order passed by the third respondent dismissing him from service. If the first respondent reviews its order by setting aside the same, the order of the third respondent will have to be cancelled and he would be reinstated to continue in service.

7. Since the order of the first respondent in the review petition is likely to clinch the issue, it is not desirable to entertain this writ petition at this stage, and the petitioner is at liberty to pursue with the first respondent for the disposal of the review petition.

8. The first respondent is also, directed to dispose of the review petition of the petitioner by giving opportunity to all the parties to the proceedings and pass appropriate orders within 60 days from the date of receipt of this order.

9. The writ petition is accordingly dismissed as not maintainable at this stage.

Dr. G.YETHIRAJULU, J

19th July, 2004.

SKM/USD

Note:

C.C.by tomorrow.

B/o.

Skm/Usd

To

1 The Government of A.P., rep by Principal Secrtary, Social Welfare Department Secretariat, Hyderabad
2 The District Collector & Magistrate, East Godavari District, Kakinada
3 The Syndicate Bank rep by Deputy Manager, Personal Department, Personnel Administration Division (Officers) Head Office, Manipal

4 Two C.Cs. for G.P. for Social Welfare, High Court Buildings, High Court of A.P., Hyderabad (OUT)

6. Two C.D.copies.